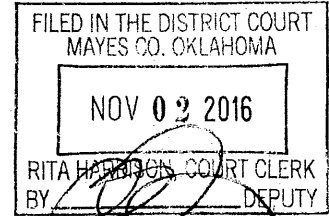


IN THE DISTRICT COURT OF MAYES COUNTY
STATE OF OKLAHOMA



CLINT BIBLE,

Plaintiff,

v.

GRAYBAR ELECTRIC COMPANY,
INC., a New York corporation,

Defendant.

case no. CS-2016-180
Attorney's Lien Claimed

PETITION

Comes now the Plaintiff CLINT BIBLE and states as follows:

1. Plaintiff CLINT BIBLE is now and was at all times pertinent hereto a citizen and resident of the state of Oklahoma; and Defendant GRAYBAR ELECTRIC COMPANY, INC., is now and was at all times pertinent hereto a New York corporation with its principal place of business in the state of New York.

2. On or about February 22, 2016, at about 1:30 p.m. Plaintiff BIBLE was acting in the course and scope of his employment as a truck driver for the Oklahoma Department of Transportation. He was driving his 1997 model International dump truck in an easterly direction on U.S. Highway 412 about 500 feet east of its intersection with County Road South 425 South in Mayes County, state of Oklahoma, when suddenly and without warning Defendant's employee, Brandon Ray Sellers, drove his 2008 model blue and white International truck into the rear of Plaintiff's dump truck at a high rate of speed leaving no skid marks. The force of the impact imbedded Defendant's truck into the rear of Plaintiff's dump truck and knocked both vehicles off

EXHIBIT

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the roadway to the right (south), and both vehicles came to rest approximately 400 to the east in the shallow roadside ditch. The force of the impact caused the death of Defendant's driver Brandon Ray Sellers and personal bodily injuries to the Plaintiff BIBLE that will be explained in more detail hereinafter.

3. Defendant GRAYBAR ELECTRIC COMPANY, INC.'S driver Brandon Ray Sellers was negligent as follows:

A. Failed to drive his truck at a proper and reasonable speed so as to enable him to bring it to a stop within the assured clear distance ahead in violation of the Oklahoma Rules of the Road;

B. Failed to keep a reasonable and proper lookout of other motor vehicles on the roadway in violation of the Oklahoma Rules of the Road;

C. Failed to exercise that degree of attention, care, and caution that a reasonably prudent person would have exercised under the same or similar circumstances.

4. The negligence of Defendant's employee Brandon Ray Seller's negligence was the direct cause of the above described motor vehicle collision; and it is imputed to Defendant GRAYBAR ELECTRIC COMPANY, INC., under the legal theory of respondeat superior.

5. At the time of the above described motor vehicle collision Plaintiff BIBLE was a healthy, able bodied 42 year old man employed as a truck driver for the Oklahoma Department of Transportation. He had a reasonable work life expectancy of 37 years and a work life expectancy of 23 years. As a result of the motor vehicle collision he suffered hyperflexion-hyperextension type injuries to his neck, shoulders, and back for which he has been and is continuing to receive medical attention and treatment

including immobilization, rest, physical therapy, and analgesic and muscle relaxing prescription drugs. Furthermore, his injuries have caused him to be unable to work at his job with Oklahoma Department of Transportation since 02/22/2016 when the motor vehicle collision occurred. At the time of the incident Plaintiff was earning \$20.00 per hour plus benefits; and as of this date he has missed approximately 6 months of work.

6. Wherefore, Plaintiff prays for judgment against Defendant GRAYBAR ELECTRIC COMPANY, INC., for compensable damages for:

- A. Medical treatment expenses, past and future;
- B. Loss of earnings;
- C. Physical pain and suffer, past and future;
- D. Mental pain and suffering, past and future;
- E. Physical disability, past and future;
- F. Loss of quality and enjoyment of life;

in a reasonable and proper amount in excess of \$75,000.00 together with taxable costs and prejudgment and postjudgment interest.



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